



ORDINANCE NO. 6684

BY THE COUNCIL:

BISTERFELDT, CLEGG, EBERLE,
JORDAN, SHEALY & TIBBS

AN ORDINANCE (CAR08-00010/LUMBER PRODUCTS FOR PROPERTY LOCATED AT 2574 S. BEVERLY STREET) ANNEXING CERTAIN LANDS AND TERRITORY, SITUATED IN ADA COUNTY, IDAHO, AND ADJACENT AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF BOISE CITY; ESTABLISHING AND DETERMINING THE ZONING CLASSIFICATION OF SAID LANDS AS M-1D (LIMITED INDUSTRIAL WITH DESIGN REVIEW); PROVIDING THAT COPIES OF THIS ORDINANCE SHALL BE FILED WITH THE ADA COUNTY ASSESSOR, THE ADA COUNTY RECORDER, AND THE IDAHO STATE TAX COMMISSION, AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owner of the lands and territory, situated in Ada County and particularly described in Section One of this ordinance, has requested, in writing, annexation of said lands to the city; and

WHEREAS, the Boise City Council has found and determined that said lands and territory are contiguous and adjacent to Boise City and that annexation of said lands is necessary for orderly development of Boise City; and

WHEREAS, the Boise City Planning & Zoning Commission, pursuant to public notice as required by law, held a public hearing on May 12, 2008, and recommended to the Mayor and Council that annexation be approved and said lands be zoned M-1D (Limited Industrial with Design Review); and

WHEREAS, the Boise City Council, pursuant to public notice as required by law, held a public hearing on July 15, 2008, on the proposed zoning for the property described in Section One below, all as required by Idaho Code, Section 67-6525.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE CITY, IDAHO:

Section 1. The lands and territory situated in Ada County, Idaho, adjacent and contiguous to the City of Boise City, Idaho, particularly described in Exhibits "A" & "B" which is annexed hereto and by reference made a part of this ordinance as though fully set forth herein, be, and the same are hereby, annexed to and incorporated in the territorial limits of the City of Boise City, Idaho.

Section 2. From and after the effective date of this ordinance, all property included within the boundaries and territory described in Section 1 hereof and annexed as provided by said Section shall be subject to all the statutes pertaining to Boise City and all ordinances, resolutions, police regulations, taxation and other powers of Boise City, and all persons and property within the territory so annexed shall be and are entitled to all benefits and rights as are the persons and property presently within the corporate territorial limits of Boise City.

Section 3. The City Engineer of Boise City is hereby directed to lodge and file with the City Clerk of Boise City within ten (10) days after the passage and approval hereof, a legal description and map prepared in a draftsmanlike manner which shall plainly and clearly designate the boundaries of the lands and territory annexed, pursuant to the provisions of Section 1 hereof.

Section 4. Pursuant to the findings of the Boise City Council, the zoning classification of the lands described in Exhibits "A," and "B" annexed hereto and by reference made a part thereof is hereby fixed and established as M-1D (Limited Industrial with Design Review), all as provided by the Zoning Ordinance of Boise City. The reasoned statement is:

Annexation

A. That the annexation shall incorporate the Boise sewer planning area.

The subject area is within the service area of the Boise Sewer District, and shall be required to connect to sewer. Sewers are available in Beverly Street. The Boise sewer planning area is incorporated with the proposed annexation.

B. Honor negotiated area of impact agreements.

The subject site is within the Boise Area of Impact and subject to compliance with the Boise City Comprehensive Plan. The proposed M-1D zoning designation is in compliance with the Boise City Comprehensive Plan which designates the parcel as Industrial on the future land use map. The parcel is located adjacent to Boise City limits on the northeastern, western, and southern property lines.

C. Attempt to balance costs of services with anticipated revenues.

Industrial uses will contribute to the economic vitality within the city.

D. Promote other goals of population balance, contiguous development and prevention of costs due to leap frog development.

The annexation will preserve compatibility of surrounding zoning and development.

Rezone

A. Comply with and conform to the Boise City Comprehensive Plan;

Both parcels are located in Airport Influence Area "C" which requires noise mitigation measures per Comprehensive Plan policy 3.2.2 which states in part, "All compatible uses shall be required to provide sound insulation in noise sensitive areas of a facility." Parcels located within Airport Influence Area "C" are affected by average sound levels greater than 70 DNL. Residential uses in this area are considered non-conforming and no new residential development is allowed. The proposed annexation and rezone will remove one of the few remaining single family residences in the area and replace it with a use that is not noise sensitive.

B. Provide and maintain sufficient transportation and other public facilities, and does not adversely impact the delivery of services by any political subdivision providing services; and

No agencies responded that the proposed rezone would adversely impact the delivery of services. According to ACHD, the proposed use/development will not place an undue burden on the existing vehicular and pedestrian transportation system within the vicinity impacted by the proposed development. The proposed land use and zoning for the subject property is consistent with uses in the vicinity and meets the standards for proximity to public services as recommended by the Boise City Comprehensive Plan.

C. Maintain and preserve compatibility of surrounding zoning and development.

The proposed site is bordered on three sides with industrially zoned parcels that are owned by the airport. The annexation and zoning designation of M-1D is the most appropriate zone for the subject parcels. The proposed annexation and rezone will eliminate one of the few remaining residential parcels in this area and replace it with a more appropriate industrial use.

Section 5. The zoning maps of Boise, Idaho, as the same are provided in Section 11-2-1.2, Boise City Code, are hereby changed, altered, and amended to include the real property described in Section 4 above in the zoning classification therein described.

Section 6. The City Clerk of Boise City is hereby directed to file, within ten (10) days after the passage and approval hereof, a certified copy of this Ordinance with the Ada County Assessor, County Recorder and County Treasurer of Ada County, Idaho, and the State Tax Commission of Idaho, and to file a copy of said legal description and map, as prepared and lodged with her/him by the City Engineer, with the County Assessor and County Recorder of Ada County, Idaho, and the State Tax Commission of Idaho, all as provided by Sections 50-223 and 63-2215, Idaho Code.

Section 7. That this Ordinance shall be in full force and effect immediately upon its passage,

approval and publication.

PASSED by the Council of the City of Boise City, Idaho, this 23rd day of September, 2008.

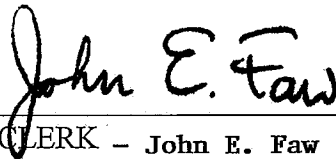
APPROVED by the Mayor of the City of Boise City, Idaho, this 23rd day of September, 2008.

APPROVED:

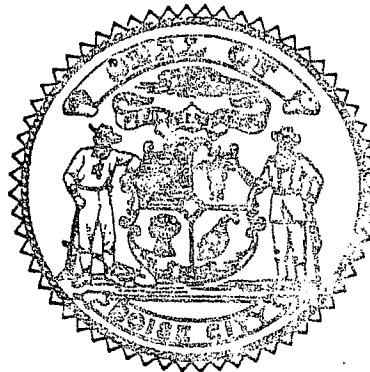


MAYOR - David H. Bieter

ATTEST:

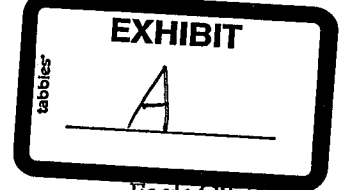


CITY CLERK - John E. Faw



Cascade Office
PO Box 188
105 N Main Street
Cascade, Idaho 83611
Office: 208-382-4902
Fax: 208-382-3410

Rennison Fodrea
Engineers • Surveyors • Planners



Eagle Office
430 E. State St.
Suite 140
Eagle, Idaho 83616
Office: 208-938-2440
Fax: 208-938-2441

DATE:8/21/08

Project No.:2268

10.00 Acres

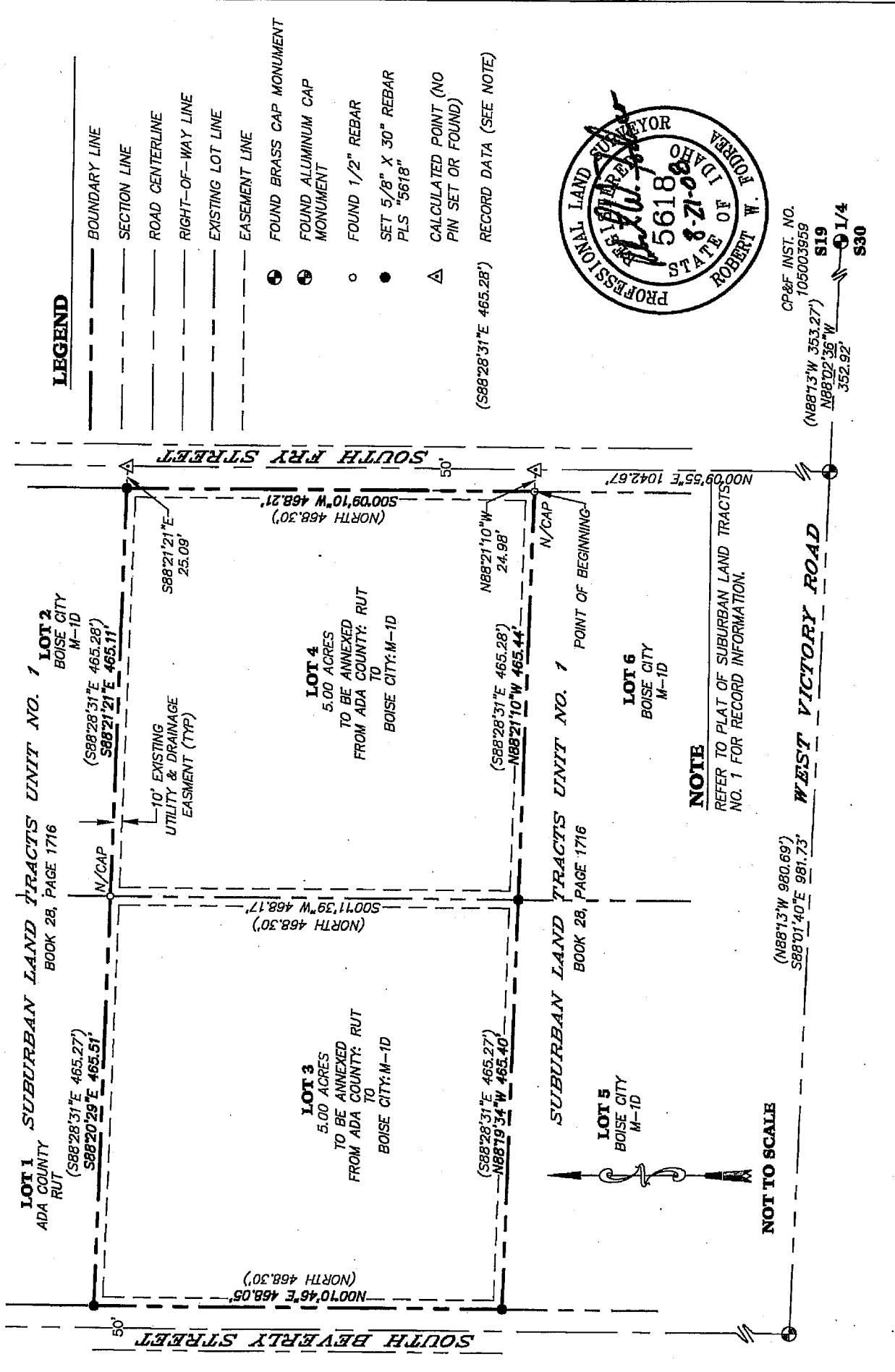
A parcel of land, located in a portion of the SW1/4 of Section 19, T. 3 N., R. 2 E., B.M., Ada County, Idaho, being Lot 3 and Lot 4, Block 2, Suburban Land Tracts Unit No.1, Book 28, page 1716, plat records of said Ada County, more particularly described as follows:

Commencing from a found brass cap monument marking the south 1/4 corner of said Section 19, CP&F Inst. No. 105003959, corner records of said Ada County; Thence a bearing of N 88°02'36" W, a distance of 352.92 feet on the south boundary of said Section 19 to a found aluminum cap monument marking the intersection of West Victory Road and South Fry Street; Thence a bearing of N 00°09'55" E, a distance of 1042.67 feet on the centerline of said South Fry Street to a point; Thence a bearing of N 88°21'10" W, a distance of 24.98 feet to a found 1/2 inch iron pin marking the southeast corner of said Lot 4, Block 2, Suburban Land Tracts Unit No.1, on the west right-of-way boundary of said South Fry Street being the **TRUE POINT OF BEGINNING**.

Thence a bearing of N 88°21'10" W, a distance of 465.44 feet on the south boundary of said Lot 4 to a set 5/8 inch iron pin marking the south common corner to said Lot 3 and Lot 4, Block 2, Suburban Land Tracts Unit No.1; Thence a bearing of N 88°19'34" W, a distance of 465.40 feet on the south boundary of said Lot 3, Block 2, Suburban Land Tracts Unit No.1 to a set 5/8 inch iron pin marking the southwest corner of said Lot 3, Block 2, Suburban Land Tracts Unit No.1 being the east right-of-way boundary of South Beverly Street; Thence a bearing of N 00°10'46" E, a distance of 468.05 feet on the west boundary of said Lot 3, Block 2, Suburban Land Tracts Unit No. 1 being said east right-of-way boundary of South Beverly Street to a set 5/8 inch iron pin marking the northwest corner of said Lot 3, Block 2, Suburban Land Tracts Unit No.1; Thence a bearing of S 88°20'29" E, a distance of 465.51 feet on the north boundary of said Lot 3, Block 2, Suburban Land Tracts Unit No.1 to a found 1/2 inch iron pin marking the north corner common to said Lot 3 and Lot 4, Block 2, Suburban Land Tracts Unit No.1; Thence a bearing of S 88°21'21" E, a distance of 465.11 feet on the north boundary of said Lot 4, Block 2, Suburban Land Tracts Unit No.1 to a set 5/8 inch iron pin on said west right-of-way boundary of South Fry Street being the northeast corner of said Lot 4, Block 2, Suburban Land Tracts Unit No.1; Thence a bearing of S 00°09'10" W, a distance of 468.21 feet on the east boundary of said Lot 4, Block 2, Suburban Land Tracts Unit No.1 being said west right-of-way boundary of South Fry Street to the **POINT OF BEGINNING**.

Said described parcel of land contains 10.00 acres, more or less, together with and subject to rights-of-way and easements of record and/or use.





Rennison Fodrea, Inc. Engineers • Surveyors • Planners Caspida Office 105 N. Main Street, P.O. Box 188 Caspida, Idaho 83611 Phone: 208.332.2440 Fax: 208.332.2410	ANNEXATION EXHIBIT LOTS 4 & 5, SUBURBAN LAND TRACTS UNIT NO. 1 LOCATED IN THE SW1/4 OF SECTION 19, T. 3 N., R. 2 E., B.M. ADA COUNTY, IDAHO	DATE 8/14/08 P.M. RWF CAD DTD P.N. 2268	EXHIBIT A
--	--	--	----------------------------



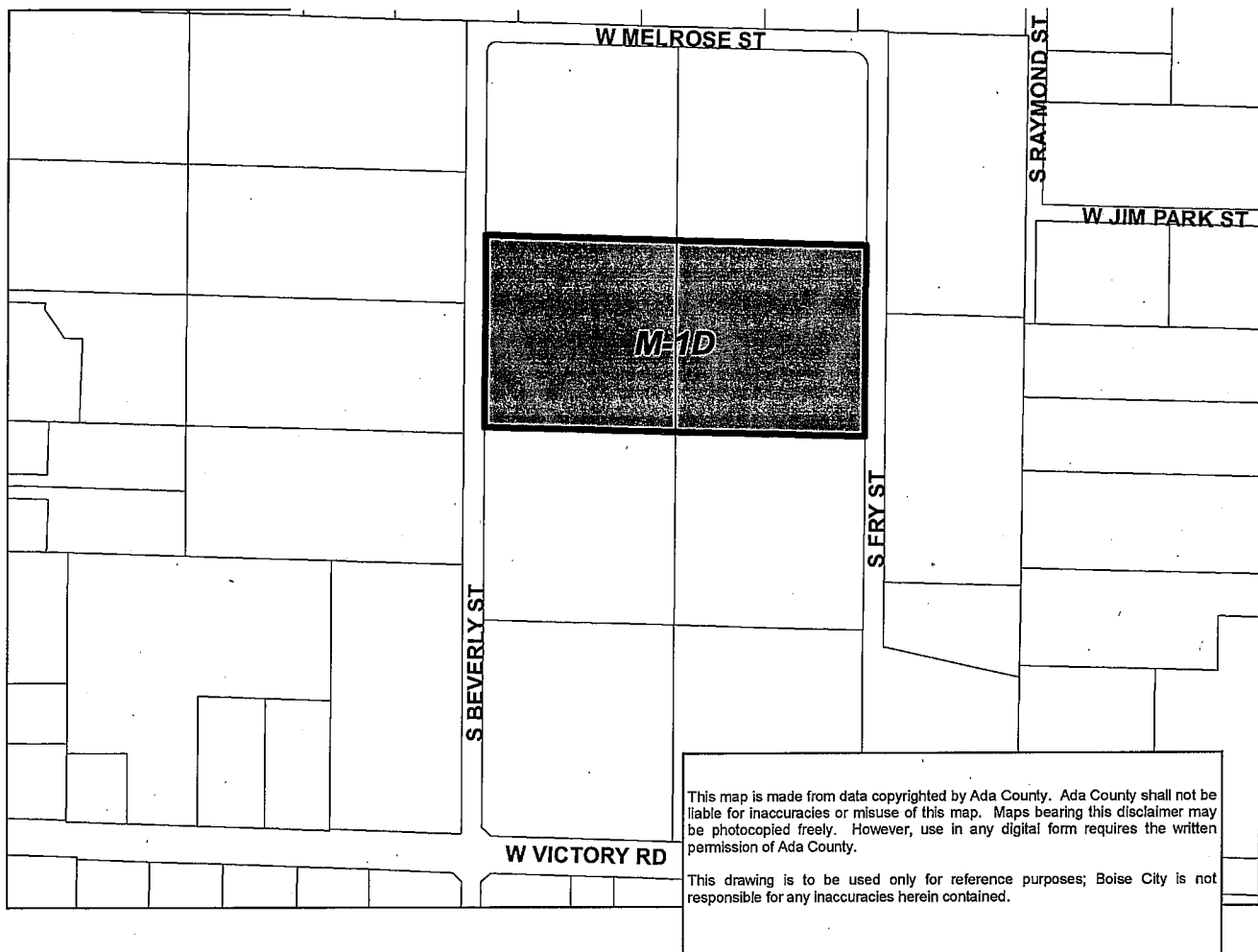
BOISE CITY ANNEXATION

CAR08-00010

Exhibit B

Sections 19 Township 3N Range 2E

Acres ± 10.02



ANNEXATION

ORDINANCE # 6684

EFFECTIVE DATE 9/29/08

Suburban Land Tracts #1

Address Points

GISADDRI	GISADDRI	Shape.area	Shape.len	GDO.VW_	GDO.VW_	GDO.VW_	GDO.VW_	GDO.VW_
49436	BOISE	0	0	49436	2574	S	BEVERLY	
97460	BOISE	0	0	97460	2611	S	FRY	

GDO.VW_	GDO.VW_	GDO.VW_	GDO.VW_	GDO.VW_	GDO.VW_	GDO.VW_	GDO.VW_	GDO.VW_
ST						Y		3-Jun-06
ST						N		30-Sep-08

GDO.VW_	GDO.VW_	GDO.VW_	GDO.VW_	GDO.VW_	GDO.VW_	GDO.VW_	GDO.VW_	GDO.VW_
A	STRU	SNGL	101	25-Mar-08	1	3	2	
A	LAND	VAC	101	30-Sep-08				

GDO.VW_ GDO.VW_ GDO.VW_ GDO.VW_ ADDRESSATTRIBUTES.ADDRESSDESCRIPTION

0 368 BOISE

0 1305 BOISE

LEGAL NOTICE
ORDINANCE NO. 6684

BY THE COUNCIL: BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY & TIBBS

AN ORDINANCE (CAR08-00010) AMENDING PRODUCTS FOR PROPERTY LOCATED AT 2574 S. BEVERLY STREET) ANNEXING CERTAIN LANDS AND TERRITORY SITUATED IN ADA COUNTY, IDAHO, AND ADJACENT AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF BOISE CITY, ESTABLISHING AND DETERMINING THE ZONING CLASSIFICATION OF SAID LANDS AS M-1D (LIMITED INDUSTRIAL WITH DESIGN REVIEW) PROVIDING THAT COPIES OF THIS ORDINANCE SHALL BE FILED WITH THE ADA COUNTY ASSESSOR, THE ADA COUNTY RECORDER, AND THE IDAHO STATE TAX COMMISSION, AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owner of the lands and territory, situated in Ada County and particularly described in Section One of this ordinance, has requested, in writing, annexation of said lands to the city; and

WHEREAS, the Boise City Council has found and determined that said lands and territory are contiguous and adjacent to Boise City and that annexation of said lands is necessary for orderly development of Boise City; and

WHEREAS, the Boise City Planning & Zoning Commission, pursuant to public notice as required by law, held a public hearing on May 12, 2008, and recommended to the Mayor and Council that annexation be approved and said lands be zoned M-1D (Limited Industrial with Design Review); and

WHEREAS, the Boise City Council, pursuant to public notice as required by law, held a public hearing on July 15, 2008, on the proposed zoning for the property described in Section One below, all as required by Idaho Code Section 67-6525.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE CITY, IDAHO:

Section 1. The lands and territory, situated in Ada County, Idaho, adjacent and contiguous to the City of Boise City, Idaho, particularly described in Exhibits 'A' & 'B' which is annexed hereto and by reference made a part of this ordinance as though fully set forth herein, be, and the same are hereby, annexed to and incorporated in the territorial limits of the City of Boise City, Idaho.

Section 2. From and after the effective date of this ordinance, all property included within the boundaries and territory described in Section 1 hereof and annexed as provided by said Section shall be subject to all the statutes pertaining to Boise City and all ordinances, resolutions, police regulations, taxation and other powers of Boise City, and all persons and property within the territory so annexed shall be and are entitled to all benefits and rights as are the persons and property presently within the corporate territorial limits of Boise City.

Section 3. The City Engineer of Boise City is hereby directed to lodge and file with the City Clerk of Boise City within ten (10) days after the passage and approval hereof, a legal description and map prepared in a draftsmanlike manner which shall plainly and clearly designate the boundaries of the lands and territory annexed, pursuant to the provisions of Section 1 hereof.

Section 4. Pursuant to the findings of the Boise City Council, the zoning classification of the lands described in Exhibits 'A' and 'B' annexed hereto and by reference made a part thereof is hereby fixed and established as M-1D (Limited Industrial with Design Review), all as provided by the Zoning Ordinance of Boise City. The reasoned statement is:

A. That the annexation shall incorporate the Boise sewer planning area.

The subject area is within the service area of the Boise Sewer District, and shall be required to connect to sewer. Sewers are available in Beverly Street. The Boise sewer planning area is incorporated with the proposed annexation.

B. Honor negotiated area of impact agreements.

The subject site is within the Boise Area of Impact and subject to compliance with the Boise City Comprehensive Plan. The proposed M-1D zoning designation is in compliance with the Boise City Comprehensive Plan which designates the parcel as Industrial on the future land use map. The parcel is located adjacent to Boise City limits on the northeastern, western, and southern property lines.

C. Attempt to balance costs of services with anticipated revenues.

Industrial uses will contribute to the economic vitality within the city.

D. Promote other goals of population balance, contiguous development and prevention of costs due to leap frog development. The annexation will preserve compatibility of surrounding zoning and development.

Rezoning

A. Comply with and conform to the Boise City Comprehensive Plan.

Both parcels are located in Airport Influence Area 'C' which requires noise mitigation measures per Comprehensive Plan policy 3.2.2 which states in part, 'All compatible uses shall be required to provide sound insulation in noise sensitive areas of a facility. Parcels located within Airport Influence Area 'C' are affected by average sound levels greater than 70 DNL. Residential uses in this area are considered non-conforming and no new residential development is allowed. The proposed annexation and rezoning will remove one of the few remaining single family residences in the area and replace it with a use that is not noise sensitive.

B. Provide and maintain sufficient transportation and other public facilities, and does not adversely impact the delivery of services by any political subdivision providing services; and

No agencies responded that the proposed rezoning would adversely impact the delivery of services. According to ACHD, the proposed use/development will not place an undue burden on the existing vehicular and pedestrian transportation system within the vicinity impacted by the proposed development. The proposed land use and zoning for the subject property is consistent with uses in the vicinity and meets the standards for proximity to public services as recommended by the Boise City Comprehensive Plan.

C. Maintain and preserve compatibility of surrounding zoning and development.

The proposed site is bordered on three sides with industrially zoned parcels that are owned by the airport. The annexation and zoning designation of M-1D is the most appropriate zone for the subject parcels. The proposed annexation and rezoning will eliminate one of the few remaining residential parcels in this area and replace it with a more appropriate industrial use.

Section 5. The zoning maps of Boise, Idaho, as the same are provided in Section 11-2-1.2, Boise City Code, are hereby changed, altered, and amended to include the real property described in Section 4 above in the zoning classification therein described.

Section 6. The City Clerk of Boise City is hereby directed to file, within ten (10) days after the passage and approval hereof, a certified copy of this Ordinance with the Ada County Assessor, County Recorder and County Treasurer of Ada County, Idaho, and the State Tax Commission of Idaho, and to file a copy of said legal description and map, as prepared and lodged with her/him by the City Engineer, with the County Assessor and County Recorder of Ada County, Idaho, and the State Tax Commission of Idaho, all as provided by Sections 50-2-23 and 63-2-215, Idaho Code.

Section 7. That this Ordinance shall be in full force and effect immediately upon its passage, approval and publication.

PASSED by the Council of the City of Boise City, Idaho, this 23rd day of September, 2008.

APPROVED by the Mayor of the City of Boise City, Idaho, this 23rd day of September, 2008.

ATTEST: John E. Faw, City Clerk



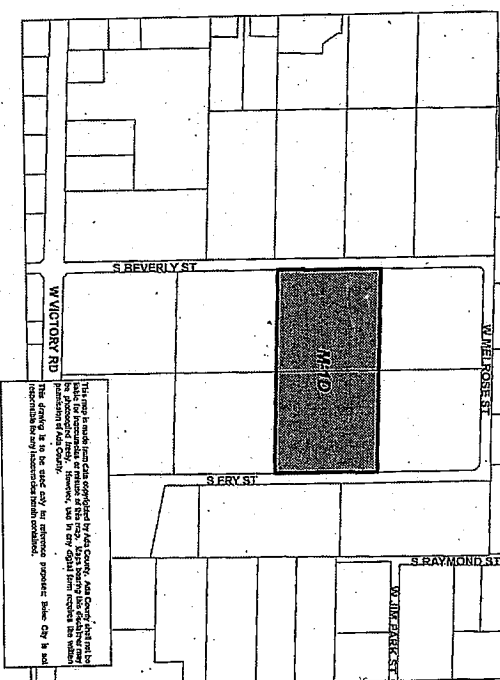
BOISE CITY ANNEXATION

CAR08-00010

Exhibit B

Sections 19 Township 3N Range 2E

Acres ±10.02



ORDINANCE # 6684 EFFECTIVE DATE 9/29/08

29, 2008

0000333180-01